

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ANITA SUE WHORTON,)
vs.)
Petitioner,)
vs.) NO. CIV-07-1012-HE
MILlicent NEWTON-EMBRY,)
vs.)
Respondent.)

ORDER

Petitioner Anita Sue Whorton, a state prisoner appearing *pro se*, instituted this action under 28 U.S.C. § 2254 seeking habeas relief. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Bana Roberts, who has recommended that the petition be denied.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Robert's Report and Recommendation and denies the petition for writ of habeas corpus.

IT IS SO ORDERED.

Dated this 9 day of July, 2009.


JOE HEATON
UNITED STATES DISTRICT JUDGE